

REMARKS

The rejections presented in the Office Action dated June 4, 2004 have been considered. Claims 7 and 9 are canceled without prejudice, and new claims 21-30 are added to claim the invention in alternative language. Claims 1-6, 8, and 10-30 remain pending in the application. Reconsideration and allowance of the application are respectfully requested.

Claim 1 is amended to include the limitations of claims 7 and 9 and is thought to be in condition for allowance.

The Office Action does not establish that claims 1-8 and 10-20 are anticipated by US patent 6,460,036 to Herz (hereinafter "Herz") under 35 USC §102(e). The rejection is respectfully traversed because the Office Action does not show that all the limitations of the claims are taught by Herz. However, in regards to claims 1-6, 8, and 10, the rejection is now moot in view of the amendment made to claim 1.

Even though claim 4 is now allowable as depending from amended claim 1 and claim 7 is canceled, the Office Action does not establish that the limitations in these claims are taught by Herz. Specifically, the Office Action does not show that Herz teaches using customer subscriptions to newsletters as a mechanism to trigger retrieval of other product information for sending to the customer. Nor does the Office Action show that Herz teaches limiting customer access to the database with customer information.

Claims 11-20 are also allowable over Herz. Claim 11 sets forth a system for customizing electronic communications to a customer. The system includes a first database configured to store a set of customer-provided data in association with a customer identification code and characterizing the customer, the first database configured to store a set of customer-behavioral data in association with the customer identification code, the customer-behavioral data generated in response to a data selection made by the customer from a second database; a third database configured to store a plurality of product data sets; and a server arrangement configured to select at least one product data set from the third database as a function of the customer-provided and the customer-behavioral data and construct a communications message, the server configured to send the communications message via a communications network to the customer in response to a message delivery date specified in the customer-provided data. The Office Action does not show that Herz teaches all of these limitations.

For example, the server is configured to send the communications message via a communications network to the customer in response to a message delivery date specified in

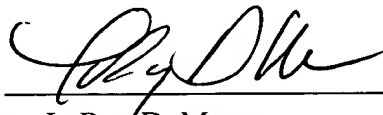
the customer-provided data. These limitations are not taught by Herz in the sections cited in the Office Action. The cited sections of Herz teach automatic user profiling that include the date a document was sent to a user (col. 64, ll. 10-19) and (col. 75, ll. 39-55). This clearly neither teaches nor suggests any customer-provided data that indicates a delivery date that triggers the sending of the message. Herz's date appears to be a record of when a message was sent, not a customer-provided date that triggers the sending of a message. Thus, Herz does not teach the limitations of the customer-provided date.

The Office Action does not specifically address limitations in claims 12-20, and the various limitations are not thought to be shown by Herz. Therefore, the Office Action does not show that claims 11-20 are anticipated by Herz for at least the reasons set forth above.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
Saint Paul, MN 55120
(651) 686-6633

By: 
Name: LeRoy D. Maunu
Reg. No.: 35,274